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SUBJECT: GHANAQS 2009 UPDATE ON WORST FORMS OF CHILD LABOR

REF: STATE 127448

11. Per reftel instructions, Post submits the following updated information on the elimination of the worst forms of child labor ("WFCL") in Ghana. POC for this report is Paul Stevenson (StevensonPW@state.gov).

A) Laws and regulations proscribing the WFCL

12. Under the Children's Act ("CA") of 1998, Act 560, the minimum age for employment in Ghana is 15 years, and the minimum age for "lightwork" is 13 years (sections 89-90). "Light work" is defined as economic activity that is not likely to be harmful to the health or development of a child and does not affect the child's attendance or capacity to benefit from school (CA section 90(2)). Ghanaian law states that children who are 15 years or older, or who have completed basic education, can work as apprentices if the craftsman provides technical and moral training, food, and a safe and healthy work environment (CA sections 98-99). The GOG has ratified ILO Convention 182 on the WFCL, but as of the end of 2008 it had yet to ratify ILO Convention 138 on the minimum age of employment.

13. Ghanaian law prohibits the engagement of persons under 18 years of age in "night work", that is, work conducted between 20:00 and 06:00 hours (CA section 88). Children must not be engaged in labor that deprives them of their health, education, or development (CA section 87). A non-exhaustive list of "hazardous work" - which also has a minimum age of 18 years - includes: work at sea, mining and quarrying; carrying heavy loads, manufacturing that involves chemicals, work in places that operate machinery, and work in bars, hotels, and other places of entertainment (CA section 91(3)). The Child Labor Unit within the Ministry of Manpower, Youth and Employment ("MMYE") is currently reviewing this list to better reflect current trends of hazardous work in the country, and has completed its analysis for the cocoa industry.

14. Ghanaian law prohibits forced labor, slavery, or servitude of anyone, including children (Constitution, article 16). Customary servitude is illegal in Ghana (Consolidation of Criminal Code 1960, Act 29 section 314A). The law prohibits persons with custody, charge, or care of a child under 16 years from encouraging, or causing that child to become involved in, prostitution (Consolidation of Criminal Code, Act 29 section 108). The minimum age for military recruitment is 18 years and there is no forced conscription.

15. The Human Trafficking Act ("HTA") 2005, Act 694 contains provisions against trafficking in persons, providing another person for trafficking, and using a trafficked person. Consent of the child, parent, or guardian is not a defense (HTA section 1). Police officers must respond to all requests for assistance from trafficking and must offer protection to persons who report cases of alleged trafficking, even if such a person is not a victim (HTA

section 10). The law provides for the rescue, temporary shelter and care, counseling, family tracing, and rehabilitation of victims of trafficking (HTA sections 14-19), and establishes a Human Trafficking Fund to assist victims (HTA section 20). In 2008, Parliament amended the HTA to insert the phrase "for the purpose of exploitation", which was mistakenly omitted from the definition of trafficking when the law was passed in 2005.

B) Implementation and enforcement of WFCL laws

¶6. The MMYE is responsible for enforcing child labor laws. District labor officers and other district officials are responsible for conducting annual workplace inspections in the formal and informal sectors and for investigating allegations of violations. The Domestic Violence Victim Support Unit (DOVVSU) of the Ghana Police Services is responsible for enforcing anti-trafficking laws. There is also an Anti-Trafficking Unit of the Organized Crime Section of the Criminal Investigation Division (CID) of the Ghana Police Service.

¶7. Persons who violate the legal provisions regulating children's employment, except laws that involve apprenticeships, are subject to a fine and/or a maximum of two years of imprisonment (CA section 94). Employers who operate in formal sector must keep a register with birthdates or apparent ages of the children they employ (CA section 93). Failure to keep this register is an offence punishable by fine (CA section 94). Trafficking provisions carry a penalty of at least 5 years of imprisonment (HTA section 2(2)).

¶8. In February 2007, there was one successful prosecution of cross-border child trafficking; the trafficker received a sentence

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of six years' imprisonment. From January to September 2007, DOVVSU received three cases on exploitation of child labor and four cases on internal child trafficking. Two of the trafficking cases went to court and led to an acquittal and discharge. At least another two cases of trafficking (one from 2006 another from 2007) are pending in court, and yet another is currently under investigation. One case of child labor led to a cautioning but no conviction. Another two cases of child labor are under investigation. In 2008, DIVVSU investigated eight cases of exploitation of child labor. The Ghana Police in July stopped four mini-vans heading toward the Cote d'Ivoire (CDI). The vans contained 155 children reportedly going to work in agriculture in CDI. The children were returned to their homes. Also in July, police freed fifteen children from a religious teacher in northern Ghana. The children were being forced into begging for alms, for which in return they received minimum care and some religious instruction. The instructor was arrested but was out on bail and at year's end the case was still proceeding. In August, twelve children were rescued from a vehicle heading toward CDI for work in agriculture. The traffickers were arrested, but released on bail. In August, ten children, ages five to fifteen, were rescued near Accra from traffickers.

¶9. According to DOVVSU officials, the penalties for violating child labor laws will deter some but not all violations, since the underlying causes of child labor, especially poverty, continue to exist. Moreover, the enforcement of child labor laws is generally inconsistent and ineffective in Ghana. Because many children work for relatives, their work is generally not seen as criminal but rather an attempt to contribute to family income. Cases are also difficult to detect as most child labor is formed in the informal sector and child trafficking predominantly occurs within the country as opposed to across borders. Thus, only extreme cases of child labor and child trafficking (e.g., cases that involve serious abuse and maltreatment) are reported.

¶10. Some cases of child labor that do not end up in court are heard by Child Panels. The Children's Act requires the establishment of such panels to mediate in criminal and civil matters concerning children. By 2008, about 60 panels were formed with over 20 functioning. The GOG has also established a National Committee on Child Panels, whose operational and training guides are being

finalized. The Government of Ghana does not maintain a centralized data base on trafficking or child labor issues.

¶11. Every year, DOVVSU conducts training workshops for its officials on domestic violence, child protection, and counseling of victims of abuse. In 2008, training was conducted across the country, including at the six police training schools. In 2007, work was started on a training manual on child labor and child trafficking to be used in those districts where child labor is considered a serious problem. DOVVSU has completed a draft of the manual, which is being reviewed by the International Labor Organization (ILO). In 2008, the Ministry of Women and Children's Affairs ("MOWAC") carried out awareness-raising initiatives across the country.

¶12. In 2007, the MMYE conducted a "Capacity Building Workshop for Child Labor Unit and Key Officers of the Labor Department on the Interagency Collaboration and Coordination of Child Labor Monitoring System in Ghana", at workshops across Ghana. The training has continued, and in 2008 workshops were conducted in 47 districts across Ghana. Throughout 2008, the MMYE has worked with district assemblies to raise awareness on the issue of child labor in the cocoa sector.

C) Social programs combating the WFCL

¶13. The GOG collaborates with ILO-IPEC on a 4-year USD 4.75 million DOL-funded Project of Support to the Ghana Timebound Programme. The project seeks to withdraw 4,700 children and prevent 5,300 children from exploitative labor through the provision of educational services. District and Community Child Labor Committees have been established in the 20 pilot districts involved in the Timebound Programme to serve as advocates against the WFCL in their communities. The Timebound Programme is funded through June, 2009.

¶14. The MMYE chairs a National Steering Committee for the elimination of child labor and a national sub-committee on child labor in the cocoa sector. The GOG has established child protection committees in some communities at the regional and national levels,

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which monitor the movement of children to ensure that they attend school and are not being forced into hazardous labor or trafficking. The government, with sponsorship from UNICEF, is also mobilizing District Assemblies against the WFCL in cocoa, and on November 2007, has met with key stakeholders in about 45 districts.

¶15. The GOG completed the last phase of the regional anti-trafficking LUTRENA project implemented by ILO-IPEC. The project terminated in late 2007, when additional funding was not available. The GOG previously collaborated with ILO-IPEC on a 4-year, USD 6 million West African Child Labor in Agriculture and Cocoa Program (WACAP), which ended in April 2006. The project withdrew 8,813 children and prevented 2,880 children from exploitative labor in five countries, including Ghana.

¶16. Between June and November 2007, MOWAC conducted a registration exercise of head porters (kayaye) in Greater Accra, in order to keep accurate records of street girls and establish mechanisms to eliminate the practice. The work of kayaye - primarily carried out by girls and women who have migrated from northern regions of the country - involves transporting heavy bundles on their heads for low pay, often on busy streets. A total of 2,432 head-porters, some as young as six years, were registered. The MOWAC plans to conduct a similar exercise in other urban centers, however the Ministry was unable to fund additional studies in 2008. MOWAC has approached the transport union and local district assemblies for help return and reintegrate the kayaye to their home areas. A program may be implemented in 2009.

¶17. Embassy contacts continue to describe inadequate social programs

and insufficient resources to assist children who are withdrawn from the WFCL. The Department of Social Welfare ("DSW"), with support from UNICEF and the French Embassy in Ghana, runs a shelter for abused children, with a capacity for one hundred children. Other shelters for trafficked children and abused women and children are run by IOM, the Ark Foundation (a local NGO), and other institutions.

¶18. The GOG has drafted a National Social Protection Strategy, administered by the DSW, which includes a conditional cash transfers program called "LEAP" (Livelihood Empowerment Against Poverty). This program makes cash benefits to extremely poor and vulnerable persons, on the condition that parents not engage their children in child trafficking and child labor and enroll them in school.

D) Comprehensive national policy to eliminate WFCL

¶19. In 2006, the MMYE released its five year National Program for the Elimination of the WFCL in the Cocoa Sector (NPECLC), which is one component of the Ghana Timebound Programme. The objective of the NPECLC is to eliminate WFCL in cocoa production by 2011 and to contribute to the elimination of the WFCL in all sectors by 2015. In January, 2009, the Ministry of Employment and Social Welfare (formerly the MMYE) released a summary of status report on the National Programme for the Elimination of the Worst Forms of Child Labor in the Cocoa Sector (NPECLC). The report notes that, to date, 22,000 key stakeholders from 110 communities had received training on the issue of NPECLC and that those communities had formed committees to protect children from involvement in the worst forms of child labor. The update also notes that 1,246 children had been supported to attend basic education, and further, that 36 districts had agreed to scale up remediation efforts in 2009 through the implementation of District action plans. The Ministry of Employment oversees its implementation.

¶20. As a component of the NPECLC, in April 2007 the GOG released a Pilot Survey on Cocoa Production in Ghana. The survey covered six cocoa-growing districts and documented, among other things, the WFCL in these districts. In 2007/2008 a scaled up survey was done covering 60% of Ghana's cocoa growing districts. Key findings included the following: cocoa farming is largely a family enterprise in Ghana; children work on cocoa farms on a part-time basis and over 90% attend school; personal freedom of children working on cocoa farms is usually not restricted; and some children who work on cocoa farms are involved in hazardous activities. The results of the Ministry's survey were collaborated by a similar study conducted by Tulane University, also in 2007/8.

¶21. The GOG specifically mentions child labor as a problem to be addressed in its Growth and Poverty Reduction Strategy II for 2006-2009, which prioritizes programs designed to combat the WFCL such as commercial sexual exploitation and child trafficking. The 20 districts participating in the Timebound Programme have mainstreamed child labor elimination activities into their Medium Term Development Plans and budgetary allocations. Ghana's National

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Policy Guidelines on Orphans and Other Children made Vulnerable by HIV/AIDS, specifically targets children affected by the WFCL.

¶22. In 2006, the DOL awarded a USD 4.3 million contract to Tulane University for a project to study public and private efforts to eliminate the WFCL in cocoa sector in Ghana and Cote d'Ivoire. In partnership with the West African Health Organization and University of Ghana's Institute on statistical Social and Economic Research, the project is studying the health effects of children working in hazardous conditions in the cocoa sector and the status of child labor monitoring and verification systems, as well as the child labor-free cocoa certification system mandated by the Harkin-Engel Protocol, which should cover a minimum of 50% of cocoa-growing regions in Ghana and Cote d'Ivoire. The Harkin-Engel Protocol is a voluntary agreement signed by the World Cocoa Foundation and the Chocolate Manufacturers Association in September 2001. Along with a joint statement issued October 1, 2005, the Protocol requires the chocolate and cocoa industry to help eliminate the WFCL in West

Africa's cocoa sector. In July, Tulane and other stakeholders attended a consultative meeting to review progress with the survey and to refine methodologies. Tulane also presented its preliminary findings, based on the survey, which found that most children in cocoa growing areas of Ghana are involved in agriculture, typically on a family run farm, that the majority are receiving schooling, and that only a small percentage of children reported benefiting from projects in support of children in the cocoa growing areas. Tulane in late 2008 was developing an inventory of programs working in cocoa areas.

¶23. The Human Trafficking Management Board met in October 2007 to finalize a National Plan of Action to combat human trafficking, which was adopted in 2008 and is operational. In December of 2008 the Government of Ghana allocated approximately \$75,000 to its Human Trafficking Fund, and has sought donor contributions for additional support.

¶24. The Constitution provides for basic education that is "free, compulsory and available to all" (article 25). However, in practice, education is not entirely free as children are often required to pay for uniforms, books, cultural and sports activities, and transportation to and from school. Moreover, officials rarely, if ever, take children who are found to be working during the daytime and place them into schools. The GOG has taken initiatives to increase access to basic education though its Free Compulsory Universal Basic Education Policy (FCUBE). The Capitation Grant program continued in the 2007-2008 academic year, paying schools about \$2.00 (GHC 3) per child to cover cultural, sports, and other school fees. The national School Feeding Programme also helps alleviate the incidental costs associated with school attendance in certain areas.

E) Progress towards eliminating WFCL

¶25. The most recent nationwide data on child labor in all sectors continues to be the "Ghana Child Labour Survey" published by the Ghana Statistical Service in March 2003.

¶26. According to a report on "Children in Ghana" published in 2008 by MOWAC and UNICEF, many children are found in the agricultural sector where they participate in the production, harvesting, and head-loading of food crops and livestock herding. Within the cocoa sector, children work primarily in family farms and are involved in carrying seedlings for planting, weeding, gathering pods, and carting fermented cocoa beans. Some of their work is hazardous as it requires the use of dangerous tools or carrying heavy implements and farm produce.

¶27. Ghana serves as a sending, receiving, and transit point for child trafficking, especially internal trafficking of children for use of child labor. Many boys, and some girls, are trafficked to work in the fishing industry, especially on Lake Volta. Boys are tasked to mend fishing nets and dive underwater to untangle nets, whereas girls are mainly involved in processing and selling fish. Children, some of whom are trafficked, are also found in the informal industrial and construction sectors, such as mining and stone quarrying. Girls carry out domestic services in cleaning, child-care, fetching water, and selling goods. Both boys and girls are occupied as street hawkers and fare collectors, and many girls work as head-porters (kayaye).

¶28. In recent years, new sectors of child labor have recently become apparent in Ghana. For example, newspapers report a growing use of child labor in kente weaving within the Volta Region. While child labor continues to pose great challenges in the country, Embassy contacts confirm that educational efforts, better enforcement, and